

## **REMARKS**

### **REJECTIONS UNDER 35 U.S.C. § 103(a)**

In paragraph 4 of the present office action, claims 1-12 and 18-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Atkinson et al.* (U.S. Patent No. 5,892,904 - "Atkinson") in view of *Tsuria et al.* (U.S. Patent No. 6,466,670). These rejections are respectfully traversed, and favorable reconsideration of the claims is hereby requested.

*Atkinson* relates to data encryption, and specifically teaches a method of creating an electronic signature using a public/private key pair. The electronic signature ensures the authenticity of the document being sent, analogously to a written signature. Various methodologies are known in the art for creating a digital signature. In the passages cited by the Examiner in *Atkinson*, this digital signature is created using a private key known only to the sender and a public key available to anyone. The public key is typically part of a digital certificate issued by a certification authority (CA) or agency. Thus, the sender "signs" a document using his private key, which encrypts the signature. To decrypt the signature, the receiver of the document uses the sender's public key. *Atkinson* teaches a second layer of security by requiring the receiver to use a second public key (provided by the CA) to decrypt the sender's public key. (*Atkinson* col. 3, lines 13-40; col 6, line 34 to col. 8, line 29.)

*Tsuria* teaches a method of authorizing/preventing video downloading. Like *Atkinson*, *Tsuria* uses digital signatures associated with the video content to authorize the video's downloading (*Tsuria* col. 5, lines 45-46). A digital signature is "created and verified by cryptography...transforming messages into seemingly unintelligible forms and **back again.**" (*Digital Signature Guidelines Tutorial*, <http://www.abanet.org/scitech/ex/isc/dsg-tutorial.html>; copy attached).

Applicants submit that exemplary Claim 1 (and similarly Claims 7, 18 and 26) is not rendered unpatentable by *Atkinson* taken in combination with *Tsuria* taken because the cited prior

art references do not teach or suggest each feature of Claim 1 as amended herein. For example, the combination of references does not teach or suggest:

- "receiving a selectable data stream of suspected copyright infringing material"
- "generating a first electronic signature" of the suspected copyright infringing material and a "second electronic signature for an original copyright material", wherein each electronic signature is a "distillation" "that is incapable of reconstructing said original copyright material by direct decipherment," and
- comparing the two electronic signatures, wherein a match of the signatures "indicates a likelihood" that the two materials are the same.

The electronic signature is a distillation generated according to the data segment (or original copyright material) itself, and is not a "digital signature" as described by *Atkinson* or *Tsuria*. The distillation cannot be used to reconstruct the data segment (original copyright material). That is, the electronic signature of the present invention is a unique abbreviated value generated by logic, such as a shift register (as claimed in **Claims 24 and 25**), to generate a unique value that identifies the data segment. The data segment provides the data required to generate the specific value (electronic signature), but the specific value, being a distillation, is incapable of reconstructing the data segment. Thus, the present invention is not an encryption/decryption method and system as described by *Atkinson* or *Tsuria*, and the cited prior art does not teach or suggest the claimed features as presently claimed.

Likewise, *Atkinson* and *Tsuria* do not teach the feature of comparing electronic signatures for different data ("original copyright material" and "suspected copyright infringing material"), wherein a match of the signatures indicates that the materials are the same. *Atkinson's* "digital signal" is a single unit of data that is decrypted by a receiver to authenticate the identity of the sender, and *Tsuria's* content is a single video content.

Regarding **Claim 5**, the present invention claims the additional feature of "visually examining" the "suspected copyright infringing material" if the first and second signatures match.

That is, when a suspected copyright infringing material is identified, it is displayed on-screen to the user, who then compares the suspected copyright infringing material with the user's own original copyright material. *Atkinson* does not teach or suggest such a visual comparison of data segments. On page 13 of the present office action, the Examiner states that *Atkinson* teaches "that the digest is compared to the digest included in the publisher signature." *Atkinson* teaches comparing a first "cryptographic digest or hash" with a second digest/hash. A cryptographic digest (hash) is well known to those skilled in the art as being a number generated by an encryption algorithm from a string of text. The "digest" is manipulated by the computer's cryptographic routine, and is never "visually examined." Thus, the citation of art related to comparing hash values (digest) is unrelated to a visual examination of "suspected copyright infringing material."

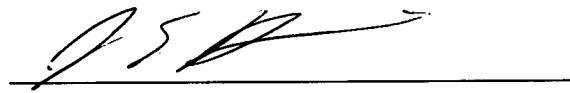
Accordingly, Applicant submits that **Claims 1-12 and 18-26** are not rendered unpatentable under 35 U.S.C. § 103 (a) in view of the cited prior art, and respectfully request a Notice of Allowance for said claims.

## CONCLUSION

Applicants now suggest that the prior art, including that cited by the Examiner but not relied upon, does not teach all limitations or suggest a combination of limitations found in the pending claims of the present invention. For the foregoing reasons, Applicants respectfully request a Notice of Allowance for all pending claims.

No extension of time is believed to be required for responding to the current office action. However, in the event an extension of time is required, please consider that extension requested and please charge the fee for that extension, as well as any other fee necessary to further the prosecution of this application to **IBM Corporation Deposit Account No. 09-0447**.

Respectfully submitted,



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